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ABSTRACT

Teen courts have gained in popularity in the 1990s. These courts include youth courts, peer juries, peer courts, student courts, and other courts using juveniles to determine the sentences of juvenile offenders. The courts issue sentences that are carried out in a school or community setting and generally involve community service, jury duty, restitution, and apologies. Teen courts usually accept only first-time offenders who have committed relatively minor offenses (alcohol/drug offenses, vandalism, disorderly conduct). A 1994 survey of teen courts identified four distinct models: a peer jury model and three trial models (adult judge model, youth judge model, tribunal model). Teen courts teach the concepts of justice, power, equality, property, and liberty. The courts foster responsible participation in civic life, the pursuit of justice, and appropriate sentencing for offenses. Evaluations of teen courts indicate that the key goals of the programs are being met. Teen courts offer the active learning of law-related education (LRE) through hands-on experience with the justice system. The Division for Public Education of the American Bar Association has served as a national clearinghouse for information on teen courts since 1991. It also has promoted teen courts extensively through its National Law-Related Education Resource Center, LRE conferences, and publications. (JH)

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Teen Courts and Law-Related Education

By Paula A. Nessel

Teen courts, a term used here to include youth courts, peer juries, peer courts, student courts, and other courts using juveniles in determining the sentences of juvenile offenders, have rapidly gained popularity in the 1990s. In 1991 there were over 50 teen courts in 14 states; by 1999, the number of teen courts had grown to more than 500 in 45 states and Washington, DC. The growing popularity of teen courts is compelling evidence that they are fulfilling a recognized need.

Types and Functions of Teen Courts. Teen courts involve juveniles in the sentencing of other juveniles, in either a school or a community setting. Young people usually serve as jurors and may also fill the roles of prosecuting attorney, defense attorney, judge, bailiff, or other officers of the court. Young offenders usually are referred to a teen court for sentencing, not for a judgment of guilt or innocence. And many teen courts accept only first-time offenders who have committed relatively minor offenses, such as theft, alcohol/drug offenses, vandalism, and disorderly conduct (Godwin 1996). There are, however, many different models of teen courts (see below), including some that determine guilt or innocence.

Young offenders voluntarily choose teen court, with parental approval, as an alternative to an existent sentencing agency or disciplinary office. Offenders who prefer legal representation and/or the regular court or disciplinary system can decline referral to teen courts.

Teen court sentences commonly include community service (1-200 hours), jury duty (up to 12 times), restitution, and apologies. Additional sentencing options include counseling, educational workshops on substance abuse or safe driving, essay writing, victim-awareness classes, curfews, drug testing, school attendance, and peer discussion groups.

Most teen courts are based in the juvenile justice system or in a community setting. The agencies most commonly operating or administering teen court programs are juvenile courts and private nonprofit organizations. Next are law enforcement agencies and juvenile probation departments. Schools operate about ten percent of teen courts, while a variety of other agencies (e.g., city government, the administrative office of the court) operate the remainder of teen courts (Godwin 1996).

The 1994 survey of teen courts by the American Probation and Parole Association (Godwin 1996) identified four distinct models: a peer jury model and three trial models. The Peer Jury Model employs a panel of teen jurors who question the offender directly. No defense or prosecuting attorney is employed. The judge is usually an adult volunteer.

The most common of the teen court models is the Adult Judge Model, which employs an adult judge to rule on courtroom procedure and clarify legal terminology, and youth volunteers as defense and prosecuting attorneys and jurors. Young people may also serve as bailiff and clerk.

The Youth Judge Model is similar to the Adult Judge Model, except that a juvenile serves as judge, usually after service as a teen court attorney. Finally, the Tribunal Model has no peer jury. Instead, the prosecuting and defense attorneys present cases to a juvenile judge(s), who determines the sentence.

Relationship to Law-Related Education (LRE) and Community Service. Teen courts and law-related education share many goals. The Law-Related Education Act of 1978 defined LRE as "Education to equip nonlawyers with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based." Teen courts do the same. Each teen court case teaches both the student volunteers from local secondary schools and the offenders about the rules or laws that were broken, the consequences of the offenses, and how due process is observed by court procedure. In addition, the volunteers and offenders learn about key LRE concepts of justice, power, equality, property, and liberty.

Teen courts also help to foster important values, attitudes, and beliefs similar to those of LRE generally. Participants voluntarily commit their time to teen courts in the pursuit of justice. Student volunteers demonstrate a belief in active and responsible participation in civic life, a respect for the rights of the offender and victim, and an appreciation for a legitimate response to societal conflicts through assigning appropriate responses to the offenses in question.

Teen courts also offer a uniquely experiential approach to LRE. Participants are real offenders in real situations, and volunteers must therefore learn the discipline of confidentiality. Teen court participants must weigh conflicting points of view and decide a just and appropriate sentence. They see first-hand the consequences of delinquent behavior. Teen court offenders learn through their own sentences the importance of community service.

Student Courts in Schools. Teen courts that handle only school referrals are receiving increasing attention from educators who are looking for ways to improve students' citizenship skills and decrease problematic behavior. Some teen courts meet in schools, but accept referrals from organizations in the community such as the county probation department, juvenile court, police department or sheriff's office. More often, student courts accept referrals only from within the school. Of course, student courts pose special challenges because of the complexity of creating new programs in schools.

Student courts are sometimes established to handle very limited types of offenses. One student court handles only traffic

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offenses on the school grounds, such as parking lot violations. Other student courts handle only truancy and smoking violations. Still others address a wide variety of offenses including insubordination, minor theft of student property, minor vandalism, fighting, cheating, and loitering.

Student courts' memberships vary greatly from school to school. For instance, members of the jury in a trial model may be drawn from applicants throughout the student population by random selection among students in study hall, or from among trained student court members. Likewise, student courts employing students as judges or peer jurors may draw from applicants as diverse as the student body, or may use only the students specially trained as court officers, either as an extracurricular activity or as members of a law class meeting throughout the semester.

Evaluation. Teen court advocates generally agree that their most important goals are educating young participants about the judicial process, having a positive impact on participants' social competence, providing victims with apologies and/or restitution, and providing service to the community. Preventing repeat offenses (recidivism) and influencing young people to resist the temptation to become delinquent are also valid goals of teen courts. Since teen courts tend to function on minimal funding, finding the time and money to determine their success in meeting their goals has been difficult. However, a few notable evaluation studies have been conducted.

Rod Hissong's evaluation (1991) of a teen court program in Arlington, Texas matched offenders sentenced by teen court with non-teen court participants who had contemporaneously committed similar offenses. The study found a decrease in recidivism for teenagers who had participated in teen court.

The North Carolina Administrative Office of the Courts' *Report on Teen Court Programs in North Carolina* (1995) stated the two most important effects suggested by interviews with persons familiar with teen court: 1) juveniles were processed in a manner that demonstrated to them that there were consequences of their behavior and 2) teen court was a learning and behavior modifying experience for both offenders and volunteers.

SRA Associates' evaluation (Jones 1995) of Routes For Youth—Teen Court in Santa Rosa, California reported that only 2.5% of 238 teen court referrals were reported by Juvenile Probation as re-arrests, while a median amount of $74.50 in restitution was collected and distributed to crime victims and a median of 25 hours of community service was provided by youth offenders in a wide variety of public and not-for-profit agencies.

The 1997 study by James B. Wells and Kevin I. Minor evaluated Kentucky's Teen Court Program and found gains in students' tests scores on knowledge of law and government, moderately high positive attitudes among students toward teen court, and perceptions by participants' parents that their children benefitted a great deal from the teen court experience.

Conclusion. Teen courts offer the active learning of law-related education through hands-on experience with the justice system. Young offenders and the juveniles who determine the offenders' sentences are practicing good citizenship through community service. Research shows that teen courts promote understanding of the legal system, reduce recidivism, and encourage participants to accept responsibility for their actions. They provide a positive alternative to traditional juvenile justice and school disciplinary procedures. The Division for Public Education of the American Bar Association has served as a national clearinghouse for information on teen courts since 1991. It has extensively promoted teen courts through its National Law-Related Education Resource Center, LRE conferences, and publications.

References and ERIC Resources. The following list of resources includes references used to prepare this Digest. The items followed by an ED number are available in microfiche and/or paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 7420 Fullerton Road, Suite 110, Springfield, Virginia 22153-2852; telephone numbers are (703) 440-1400 and (800) 443-3742. Entries followed by an EJ number, annotated monthly in CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE), are not available through EDRS. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from commercial reprint services.

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